



California Fair Political Practices Commission

April 6, 1988

Honorable Helen S. Kawagoe
City Clerk
City of Carson
Post Office Box 6234
Carson, CA 90749

Re: Your Request for Advice;
Our File No. I-88-111

Dear Ms. Kawagoe:


This is a follow-up letter to my previous response to your request for advice regarding the application of Government Code Section 89001 to mass mailings by local elected officers who have filed for election.

At its regular meeting yesterday, the Fair Political Practices Commission adopted revisions to 2 California Code of Regulations Section 18901. The revised regulation provides the Commission's interpretation of the statute to guide elected officers in complying with the law. I enclose a copy of the new regulation for your review. The Commission selected the proposed Alternative #3, with the exception of subdivision (d)(4)(F), which was deleted. That subdivision would have permitted the sending of appropriate holiday greetings.

I also enclose a copy of a chart which the staff prepared for the Commission's consideration in adopting the changes in the regulation. With the exception of the holiday greetings provision which has been removed, the description of Alternative #3 contained in the chart should be of assistance to you in determining which types of mass mailings are prohibited. You should note that the depiction of an incumbent candidate in any photograph is expressly prohibited during the period in which the statute applies. (See Government Code Section 89001.)

I trust that this responds to your request for guidance as to what is permissible under the statute. Should you have specific questions, I may be reached at (916) 322-5901.

Sincerely,


Robert E. Leidigh
Counsel, Legal Division

REL:plh
Enclosure
cc: Steve Dorsey



California Fair Political Practices Commission

March 22, 1988

Helen S. Kawagoe
City Clerk
City of Carson
P. O. Box 6234
Carson, CA 90749

Re: Your Request for Advice
Our File No. I-88-111

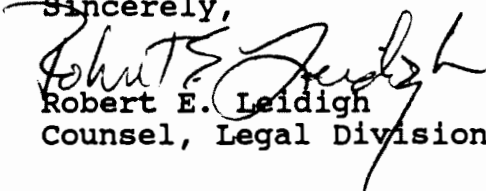
Dear Ms. Kawagoe:

Your letter of March 14 to Jeanne Pritchard has been forwarded to me for a response. You have asked this agency to advise you whether the March 1988 "Carson Report" city newsletter was sent in violation of 2 California Code of Regulations Section 18901. The Commission does not give advice regarding past conduct. (See 2 Cal. Code of Regs. Section 18329(b)(8)(A), copy enclosed.)

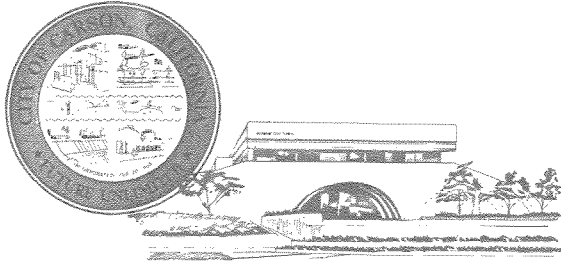
The regulation about which you have inquired deals with newsletters or mass mailings sent by or on behalf of incumbents who have filed for election. As currently worded, the regulation does not specifically address mailings made by local government agencies. However, the Commission is considering amending the regulation to specify which types of local government mailings are permitted or prohibited.

At its next meeting, April 5, 1988 in Sacramento, the Commission will consider adoption of a revised regulation from among four alternatives which have been noticed for its consideration. Copies of those alternatives are enclosed for your review and comment. Your comments and those of the City of Carson would be welcome. If you have questions, I may be reached at (916) 322-5901.

Sincerely,


Robert E. Leidigh
Counsel, Legal Division

Enclosures



CITY OF CARSON

F P P C
MAR 17 8 47 AM '88

March 14, 1988

Ms. Jeanne Pritchard
Political Reform Consultant
Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804

Dear Jeanne:

As I discussed with you by telephone this date, I am forwarding to you a copy of the most recent CARSON REPORT, published and mailed by the City of Carson to its residents.

The question that has been posed to the City Clerk is "Is this mailing a violation of California Code of Regulations, Section 18901?"

Please review and advise as soon as possible. Your past cooperation is appreciated. Your present support from the department is excellent. Thank you!

Sincerely,


Helen S. Kawagoe, CMC
City Clerk

Enclsoures (3)



California Fair Political Practices Commission

March 17, 1988

Helen S. Kawagoe, CMC
City Clerk
City of Carson
P.O. Box 6234
Carson, CA 90749

Re: 88-111

Dear Ms. Kawagoe:

Your letter requesting advice under the Political Reform Act was received on March 17, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Robert Leidigh, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:plh



California Fair Political Practices Commission

April 6, 1988

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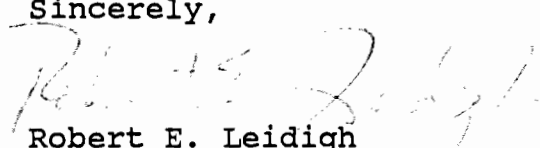
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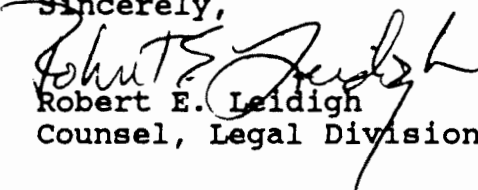
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Robert E. Leidigh
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